IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21411 of 2004

Between:

P. Habeebullah Khan, S/o Ghouse Baba,
R/o Perecherla Village, Medikonduru Mandal, Guntur District.

..... PETITIONER

AND

The Mandal Revenue Officer, Medikonduru Mandal, Medikonduru, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in attempting to dispossess me from the land ademasuring 90 cents in Sy.No. 425 of Perecherla Village, Medikonduru Mandal, Guntur District, summarily without following due process of law as arbitrary, illegal and unconstitutional and without jurisdiction and violation of principles of natural justice and direct the respondent not to dispossess me summarily considering my long possession and enjoyment of the land.

Counsel for the Petitioner: MR.RAMA RAO GHANTA

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following :

The case of the petitioner is that himself and his father have been possession and enjoyment of an extent of 0-90 cents in Sy.No.425 of Perecherla village, Medikonduru Mandal, Guntur District and they have been paying cist on the said land from 1954 onwards. The petitioner claims that the respondent without considering the said fact and without following the due process of law is tying to evict him from the land in question. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Learned counsel for the petitioner submits that the action of the respondent in attempting to dispossess the petitioner from the land in question, without affording opportunity of hearing to the petitioner is illegal and arbitrary.

In the facts and circumstances of the case, the ends of justice would be met if a direction is given to the respondent not to dispossess the petitioner form the land in question without following the due process of law, i.e, giving notice, considering his explanation and affording opportunity of hearing to the petitioner etc.

The writ petition is accordingly disposed of. No costs.

_____

23-11-2004

asp

To:

1.The Mandal Revenue Officer, Medikonduru Mandal, Medikonduru, Guntur District.

2. Two C.Cs. to G.P. for Revenue, High Court of A.P, Hyderabad (OUT)

3. Two C.D. copies